

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES,

Plaintiff,

-v-

No. 18 CR 445-LTS

DANTE MARTINEZ,

Defendant.

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ORDER

On November 27, 2023, at 2:30 p.m., the Court held a hearing to determine whether Mr. Martinez is mentally competent to undergo post release proceedings pursuant to 18 U.S.C. section 4241(d). For the reasons stated in the Federal Bureau of Prison's ("BOP") Competency to Stand Trial Evaluation, dated October 23, 2023, explained on the record of the hearing, the Court finds, by a preponderance of the evidence, that Mr. Martinez is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

The Court hereby commits Mr. Martinez to the custody of the Attorney General. The Attorney General shall hospitalize Mr. Martinez for treatment in a suitable medical facility in accordance with 18 U.S.C. section 4241(d) until his mental condition is so improved that he can understand the nature and consequences of the proceedings against him or such earlier date as determined in accordance with such provision of law. The Government is further directed to file a status report by **May 1, 2024**, as to whether there is a substantial probability that in the foreseeable future Mr. Martinez will attain the capacity to permit the proceedings in the above

captioned case to go forward and whether an additional period of treatment is necessary. The parties are to inform the Court immediately should they have reason to believe that Mr. Martinez has been restored to competence.

The Government is directed to provide a copy of this order to the Bureau of Prisons forthwith.

SO ORDERED.

Dated: New York, New York
November 27, 2023

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge